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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 ANSHUMAN SINGH, *et. al*,
20 individually and on behalf of all others
21 similarly situated,

22 Plaintiffs,

23 v.

24 FCA US LLC, *et al.*,

25 Defendants.
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Case No. 4:23-cv-00452-HSG

**DEFENDANT FCA US LLC'S
RESPONSE TO ORDER TO SHOW
CAUSE RE: MOTION TO DISMISS
(ECF #25)**

1 Defendant FCA US LLC filed a motion to dismiss directed at Plaintiffs' Class
 2 Action Complaint. *See* ECF #25. In response, Plaintiffs amended their pleading and
 3 filed a First Amended Class Action Complaint ("FAC"). *See* ECF #39. Thereafter,
 4 on April 24, 2023, the Court ordered FCA US to show cause as to why its motion to
 5 dismiss directed at Plaintiffs' original Complaint should not be dismissed in light of
 6 the filing of the FAC. *See* ECF #42.

7 For its response to the Court's Order to Show Cause, FCA US states it agrees
 8 that its motion to dismiss directed at Plaintiffs' Class Action Complaint is moot, and
 9 that it can be denied as moot. The filing of a First Amended Class Action Complaint
 10 does not, however, moot FCA US's pending motion to transfer under the first-to-file
 11 rule. *See* ECF #23. FCA US further states that the Parties are discussing a proposed
 12 stipulation concerning the deadline for FCA US's response to the FAC and a possible
 13 briefing schedule for any motion to dismiss that may be directed thereto.

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 15 Dated: April 27, 2023

KLEIN THOMAS LEE & FRESARD

16 By: /s/ Kristyn Wong

17 Gregory P. Gilmer

18 Kristyn Wong

19 -and-

20 **THOMPSON COBURN LLP**

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

/s/ Kristyn Wong